

### **REQUEST FOR RECONSIDERATION**

This Application has been reviewed in light of the Office Action mailed July 29, 2004 (“*Office Action*”). Claims 1-4, 9-12, 16 and 17 are withdrawn; Claims 5-8 and 13-15 were pending and have been amended. Claims 18-20 have been added. Therefore, Claims 5-8, 13-15, and 18-20 are pending. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the foregoing amendments and the following remarks.

### **Rejections Under 35 U.S.C. § 102**

Claims 5-8 and 13-15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 6,083,585 issued to Cahill, et al. (“*Cahill*”), or in the alternative, U.S. Patent 5,648,032 issued to Nelson, et al. (“*Nelson*”), or in the alternative, U.S. Patent 5,980,797 issued to Shelby, et al. (“*Shelby*”). Applicant respectfully traverses.

Claim 5, for example, recites, among other things, a preform made according to a method comprising “drying the polyester-based resin in an environment to reduce the absorbed oxygen in the polyester-based resin by introducing an inert gas into a drying hopper containing a supply of the polyester-based resin, wherein the inert gas contacts the polyester-based resin during drying of the polyester-based resin prior to a step of melting the polyester-based resin, the inert gas depleting oxygen attached to the polyester-based resin in the drying hopper. . .” Claim 13, for example, recites, among other things, a preform made according to a method comprising “drying a supply of polyester-based resin by contacting the supply of polyester-based resin, prior to heating and molding, with an oxygen-depleted atmosphere at a temperature between about 120°C and about 170°C for a predetermined time to form oxygen-reduced, polyester-based resin. . .”

Regarding *Cahill*, it is stated that the preforms are molded from polyester “by an extruder maintained under an inert atmosphere such as a nitrogen blanket (column 15, lines 47-51).” *Office Action*, at 2. Applicant respectfully traverses and submits that *Cahill* provides no disclosure as to where and how an inert atmosphere is provided. At most, *Cahill* merely mentions a “nitrogen blanket.” Certainly, *Cahill* does not disclose or suggest “introducing an inert gas into a drying hopper containing a supply of the polyester-based resin . . .” Nor does *Cahill* disclose or suggest accomplishing this prior to a heating step in which the polyester-based resin becomes molten. To the contrary, *Cahill* mentions a “nitrogen blanket” in connection with “extrusion.” Similarly, *Cahill* fails to disclose or

suggest “drying a supply of polyester-based resin by contacting the supply of polyester-based resin, prior to heating and molding, with an oxygen-depleted atmosphere.”

Regarding *Nelson*, it is stated that *Nelson* discloses forming a preform according to a process in which polyethylene terephthalate is molded “in an extruder with a purge agent, such as an inert gas. . . (column 5, lines 1-3 and 54-46).” *Office Action*, at 2. Applicant respectfully traverses and submits that *Nelson*’s discussion is limited to introducing a purge agent through vents in an extruder. *See* col. 5, l. 64-col. 6, l. 2. *Nelson* at least fails to disclose or suggest the elements and limitations discussed above in connection with *Cahill*.

Regarding *Shelby*, it is stated that *Shelby* discloses a container formed by a process in which a “stripping agent may be present in the extruder (column 6, lines 50-53) as well as the mixer.” *Office Action*, at 2. Applicant respectfully traverses and submits that even if *Shelby* discussed introducing a stripping agent in the extrusion and/or mixing steps of a preform process, *Shelby* still fails to disclose or suggest “introducing an inert gas into a drying hopper containing a supply of the polyester-based resin . . .” as recited in Claim 5, for example, or “drying a supply of polyester-based resin by contacting the supply of polyester-based resin, prior to heating and molding, with an oxygen-depleted atmosphere” as recited in Claim 13, for example.

For at least these reasons, Applicant respectfully submits that the cited references fail to disclose or suggest each and every element and limitation recited in the rejected claims. Applicant, therefore, respectfully requests withdrawal of the rejections based on 35 U.S.C. § 102, and that all pending claims be allowed.


**CONCLUSION**

Applicant respectfully submits that this Application is in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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